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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/492,009	01/27/2000	Hidehiro Ishii	P7156-9069	9342

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EXAMINER
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NGUYEN, HUY THANH

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 02/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/492,009

Applicant(s)

ISHII ET AL.

Examiner

HUY T NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 9-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 14 December 2004 has been entered.

### *Claim Rejections - 35 USC § 101*

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 9-14 and 21-26 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 9-12 direct to stored information on medium. The information does not provide functional inter-relationship between the information and the medium to control accessing the information from the medium or impart to any software and hardware structural components to provide certain function that is processed by a computer, the stored information do not make themselves statutory. See MPEP 2100.

Applicant argues that "Claims 9, 12, 21 and 24 have been amended to clearly recite the function of the identifying information, which is **to prevent erasing or editing of a corresponding recording unit**. Thus, claims 9, 12, 21 and 24, and claims 10, 11 ,

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13, 14, 22, 23, 25 and 26, each of which depends from one of claims 9, 12, 21 and 24, are believed to be statutory, and withdrawal of the rejection is respectfully requested."

In response to applicant argument, it is submitted that the claims do not recite how "prevent erasing or editing of a corresponding recording unit" is accomplished by the identification information; therefore the claimed identification information do not provide any specific functions.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 9-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Kikuchi et al (6,577,811).

Regarding claim 9, 12, 15, 18, 21 and 24, Kikuchi discloses a recording system (Figs. 2, 63) for recording data on a recording medium(10X) comprising (Figs. 8,9, 19 and 23) : a record information area having record information (Fig. 9), a first identifying information area having first identifying information (Fig. 23) , and a second identifying information area having second identifying information (Fig. 8 and 19) on the recording medium, wherein the record information includes 1) a plurality of first recording units, 2)

one or more second recording units (cells) each of which contains one or more the first recording units and 3) one or more third units (video file or video title) (Fig. 9) each of which consists of one or more the first recording units, wherein the first identifying information corresponds to each of the one or more second recording units and prevents erasing or editing of a corresponding second recording unit (Fig. 23 column 22, line 65 to column 23, line 5), wherein the second identifying information corresponds to each of the third or more units and prevents erasing or editing of a corresponding the third data unit (Figs. 3, 8 and 19, column 14, lines 10-18, column 21, lines 55 -62).

Applicant argues that Kikuchi teaches using a flag for indicating a preventing erasing of first data unit but Kikuchi "fails to disclose a flag corresponding to a higher recording unit." In response, the examiner disagrees. It is noted that at figures 9 and 19, Kikuchi teaches using a flag for protecting a file or a video title from being erased (column 14, lines 10-18, column 21, lines 55 -62 Fig. 3). It is clear that that Kikuchi teaches using second identification includes a second data protect flag that prevents erasing or editing of a corresponding third data unit.

Regarding claims 10, 13, 16, 19, 22 and 25, Kikuchi further teaches that the first identifying information indicates whether a corresponding second recording unit is in a logically erased state (Fig. 23. column 22, line 65 to column 23, line 5)

regarding claim 11, 14, 17, 20, 23 and 26, Kikuchi further teaches the second identifying information indicates whether a corresponding logical unit is to be protected (Figs. 8 and 19, column 14, lines 10-18, column 21, lines 55 -62).

Regarding claim 27, Kikuchi discloses a recording system (Fig. 26, column 27, line 65 to column 28, line 10, column 29) for recording data on a recording medium(10X) comprising :

means (32,56) for recoding information on a record information area (Fig. 9), wherein the record information includes 1) a plurality of first recording units, 2) one or more second recording units (cells) each of which contains one or more the first recording units and 3) one or more third units which consists of one or more the first recording units (video file or video title) (Figs. 3, 9 column 11, lines 25-68);

means (32,30) for recording first identifying information on the (Fig. 23, the first identifying information being related to each of the first recording units and including a first data protect flag that prevent erasing or editing of a corresponding first data unit (Fig. 23 column 22 ,line 65 to column 23, line 5); and

means (32,30) for recording the second identifying information corresponds to each of the third or more units and including second protect flag prevents erasing or editing (Figs. 8 and 19) of a corresponding the third data unit (column 14, lines 10-18, column 21, lines 55 -62).

Regarding claim 28, Kikuchi further teaches the first data protect flag that prevent erasing of a corresponding first data unit (Fig. 23 column 22 ,line 65 to column 23, line 5), and the second protect flag prevents erasing (Figs. 8 and 19) of a corresponding the third data unit (column 14, lines 10-18, column 21, lines 55 -62).

Regarding claim 29, Kikuchi further teaches the first data protect flag that prevent editing of a corresponding first data unit (Fig. 23 column 22 ,line 65 to column 23, line 5), and the second protect flag prevents editing (Figs. 8 and 19) of a corresponding the third data unit (column 14, lines 10-18, column 21, lines 55 -62) since the first flag and second flag prevent the changing of the corresponding first data unit and second data unit .

Regarding claim 30, Kikuchi discloses a recording system (Fig. 26, column 27, line 65 to column 28, line 10, column 29) ) for recording data on a recording medium(10X) comprising :

means (32,56) for recoding information on a record information area (Fig. 9), wherein the record information includes 1) one or more first recording units (cells) and on or more second recording units (video object title set or files) (Figs. 3, 9 column 11, lines 25-68);

means (32,30) for recording first identifying information on the recording medium (Fig. 23), the first identifying information being related to each of the first data units an including a first data protect flag that prevent erasing or editing of a corresponding first data unit (Fig. 23 column 22 ,line 65 to column 23, line 5); and

means (32,30) for recording second identifying information on the medium , the second identifying information corresponds to each of the second data units and including a second data protect flag that prevents erasing or editing (Figs. 8 and 19) of a corresponding the third data unit (column 14, lines 10-18, column 21, lines 55 -62).

Further for claim 30, Kikuchi teaches that recording of the first data units and second data unit can be set by the user since the user can use a remote control for controlling start and ending recording data on the recording medium

Regarding claim 31, Kikuchi further teaches the first data protect flag that prevent erasing of a corresponding first data unit (Fig. 23 column 22 ,line 65 to column 23, line 5), and the second protect flag prevents erasing (Figs. 8 and 19) of a corresponding the third data unit (column 14, lines 10-18, column 21, lines 55 -62).

Regarding claim 32, Kikuchi further teaches the first data protect flag that prevent editing of a corresponding first data unit (Fig. 23 column 22 ,line 65 to column 23, line 5), and the second protect flag prevents editing (Figs. 8 and 19) of a corresponding the third data unit (column 14, lines 10-18, column 21, lines 55 -62) since the first flag and second flag prevent the changing of the corresponding first data unit and second data unit .

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Uno teaches providing flag information to protect a corresponding data unit.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T NGUYEN whose telephone number is (703) 305-4775. The examiner can normally be reached on 8:30AM -6:00PM.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

H.N

  
HUY NGUYEN  
PRIMARY EXAMINER